

March 17, 1999

**S 393. WRITTEN MOTIONS/SUPPORTING BRIEF. TO AMEND THE RULES OF CIVIL PROCEDURE TO REQUIRE BRIEFS AND MEMORANDA IN SUPPORT OF DISPOSITIVE MOTIONS TO BE SERVED UPON ALL PARTIES AND TO REQUIRE WRITTEN MOTIONS TO STATE THE GROUNDS FOR THE MOTION WITH PARTICULARITY.** Adds new subsection (a1) to Rule 5 of Rules of Civil Procedure to provide that in actions in superior court, brief or memorandum in support of motion to dismiss, motion for judgment on pleadings, motion for summary judgment, or any other motion seeking final determination of rights of parties as to one or more claims or parties in the action must be served by moving party on each of parties no later than five days before hearing on motion, and must be served by adverse party on each of parties no later than two days before hearing on motion. Parties may consent to alter these time periods. Brief or memorandum not served as required by rule may not be considered, unless court otherwise orders for good cause shown or by consent of parties. Makes conforming amendment to subsection (d) (filing). Amends Rule 7(b)(1) to require that grounds for motion must be stated "with particularly" (quoted words added). Instructs Revisor of Statutes to print official commentary, as set out in act, explaining amendments to Rule 5(a1) and Rule 7(b). Effective Oct. 1, 1999, and applicable to motions subject to act and to briefs and memoranda subject to act filed on or after that date.

**Intro. by Miller.**

Ref. to Judiciary II

GS 1A

July 14, 1999

**S 393. WRITTEN MOTIONS/SUPPORTING BRIEFS.** Intro. 3/17/99. House committee substitute makes the following changes to 2nd edition. Requires all briefs in support or opposition of motion seeking final determination of matter to be served on parties at least two (was, five) days before hearing and provides that court may continue hearing if not served within proper time (was, brief not to be considered if not served within time). Allows service, for this rule only, by personal delivery, fax transmission, or other means such that party actually receives notice. Amends Rules 6 and 56 to add same provisions for service of opposing affidavits in response to motions supported by affidavits and in response to motions for summary judgment.

July 15, 1999

**S 393. WRITTEN MOTIONS/SUPPORTING BRIEFS.** Intro. 3/17/99. House amendment makes the following changes to 3rd edition. Makes technical changes only.

June 22, 2000

**S 393. WRITTEN MOTIONS/SUPPORTING BRIEFS.** Intro. 3/17/99. House committee substitute makes the following changes to 4th edition. Changes effective date from October 1, 1999 to October 1, 2000.